

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RALPH E. PIERCE and DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION, TOLEDO EXPRESS AIRPORT,  
Swanton, OH

*Docket No. 03-652; Submitted on the Record;  
Issued May 7, 2003*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that his rheumatoid arthritis was caused or aggravated by factors of his federal employment.

This is the second time this case has been before the Board. Appellant filed a claim for benefits on February 13, 2000, alleging that his rheumatoid arthritis was aggravated by factors of his employment. By decisions dated September 9, 2000 and June 27, 2001, the Office of Workers' Compensation Programs denied the claim, finding that appellant did not submit medical evidence sufficient to establish a causal relationship between the claimed condition and factors of his employment. In a decision issued August 1, 2002,<sup>1</sup> the Board set aside the June 27, 2001 Office decision, finding that the report of the impartial medical specialist upon whom the Office had relied in rendering its decision was insufficient to resolve the conflict in the medical evidence. The Board remanded the case for further development of the medical evidence, specifically instructing the Office to refer appellant to a new impartial medical specialist for an evaluation of whether his rheumatoid arthritis was caused or aggravated by any specific work factors or work incidents and, if so, the time periods involved.

On remand, the Office referred appellant to Dr. Timothy A. Brennan, Board-certified in internal medicine and a specialist in rheumatology, for an impartial examination to resolve the conflict in the medical evidence.

In a report dated October 4, 2002, Dr. Brennan, after reviewing the medical records and the statement of accepted facts and stating findings on examination, found that appellant's

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<sup>1</sup> Docket No. 02-53 (issued August 1, 2002).

rheumatoid arthritis resulted from the natural progression of the disease rather than any specific work factors. He stated:

“Given the seven-year duration [of] his disease I find the lack of significant restriction and deformity as well as the small number of joints currently involved to be typical of rather well-controlled rheumatoid disease rather than representative of poorly controlled or aggressive disease.”

By decision dated October 31, 2002, the Office found that appellant failed to establish that his rheumatoid arthritis was caused or aggravated by factors of his federal employment, finding that Dr. Brennan’s opinion represented the weight of the medical evidence.

The Board finds that appellant did not meet his burden of proof to establish that his rheumatoid arthritis was caused or aggravated by factors of his federal employment.

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>2</sup> has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an “employee of the United States” within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>3</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>4</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship is usually rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>5</sup>

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<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> *Joe Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>4</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>5</sup> *Id.*

In this case, the Office found that the weight of the medical evidence in this case was represented by the October 4, 2002 report of Dr. Brennan, the impartial medical specialist, who examined appellant, reviewed the medical history and concluded that his rheumatoid arthritis was not attributable to any specific work factors, but resulted from the natural progression of the disease. He noted a lack of significant restriction and deformity in addition to the small number of joints currently involved in appellant's condition. Dr. Brennan stated that given the seven-year duration of appellant's rheumatoid arthritis, these factors were typical of a well-contained rheumatoid disease as opposed to a poorly contained or aggressive disease.

The Board finds that Dr. Brennan's referee opinion that appellant's rheumatoid arthritis condition did not result from factors or incidents of his employment, was sufficiently probative, rationalized and based upon a proper factual background and is accorded the special weight of an impartial medical examiner.<sup>6</sup>

The decision of the Office of Workers' Compensation Programs dated October 31, 2002 is hereby affirmed.

Dated, Washington, DC  
May 7, 2003

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>6</sup> Gary R. Seiber, 46 ECAB 215 (1994).